

## **REMARKS/ARGUMENTS**

### **Introduction:**

Claims 1-3, 5-10, and 12-16 are amended, of which claims 6-9 and 13-16 remain withdrawn. In addition, claims 4, 11, and 17-26 are canceled, and claims 27-44 are newly added, of which claims 32-34 and 42-44 are withdrawn. The specification is also amended. Claims 1-3, 5-10, and 12-44 are now pending in the application; claims 6-9, 13-16, 32-34, and 42-44, however, are withdrawn. Applicants respectfully request reconsideration and reexamination of the application as amended.

It should be noted that many of the amendments to the claims were not made for patentability purposes. For example, the preambles of the claims were changed from a "combination" to "an apparatus comprising," which is a more traditional preamble denoting an open-ended claim.

### **All Claims Are Allowable Over The Prior Art Of Record:**

Claims 1-3 and 10 were rejected under 35 USC § 103(a) as obvious in view of US Patent No. 5,124,639 to Carlin et al. ("Carlin"), and claims 5 and 12 were rejected under 35 USC § 103(a) as obvious in view of Carlin in combination with Figure 3 of the present application. Applicants respectfully traverse these rejections.

Independent claim 1 has been amended to include the limitation of claim 11—a temperature sensor located near said energy transmissive element for monitoring temperature corresponding to deflection of said probe card—which was identified as allowable in the Office Action of April 8, 2004. Independent claim 1 is, therefore, now allowable. Claims 1-3, 5-10, and 12-16—including withdrawn claims 6-9 and 13-16—depend from claim 1 and are therefore also allowable.

New independent claim 27 includes "an energy transmissive element disposed to counteract thermally induced bowing of said probe card." Heat source 48 in Carlin is not disposed to counteract thermally induced bowing of probe card 12 but to maintain probes 22 at a constant temperature. (See Carlin, e.g., col. 7, lines 53-57.) Carlin thus fails to teach or suggest "an energy transmissive element disposed to counteract thermally induced bowing of said probe card." Therefore, independent claim 27 as well as dependent claims 28-34 (including withdrawn claims 32-34) patentably distinguish over Carlin.

New independent claim 35 includes "means for reducing a temperature gradient between said device side of said probe card and said second side of said probe card." Claim 35 describes the "device side" of the probe card as the side "that faces said electronic device to be tested" and the "second side" as "opposite said device side." As discussed above, Carlin's heat source 48 maintains probes 22 at a constant temperature. (See Carlin, e.g., col. 7, lines 53-57.) Carlin does not teach or suggest that the heat source 48 be configured to reduce a temperature gradient between a device side and a second side of the probe card 12. Carlin thus fails to teach or suggest "means for reducing a temperature gradient between said device side of said probe card and said second side of said probe card." Therefore, independent claim 35 as well as dependent claims 36-44 (including withdrawn claims 42-44) patentably distinguish over Carlin.

**Claims 1, 27, And 35 Are Linking Claims:**

Applicants note that claim 1 and new claims 27 and 35 are generic to (and thus a genus of) at least species A, E, and F of the Restriction of March 11, 2003. In addition, each of withdrawn claims 6-9, 13, 16, 32-34, and 42-44 are generic to species F and at least one other species. Independent claims 1, 27, and 35 are therefore linking claims. More specifically, the inventions of claim 1 and withdrawn claims 6-9 and 13-16 are linked; the inventions of claim 27 and claims 32-34 are also linked; and the inventions of claim 35 and claims 42-44 are linked. (See MPEP § 809.03.) Applicants therefore request that, upon allowance of any of linking claims 1, 27, or 35, the corresponding claims be rejoined and also examined. (See MPEP § 809.) That is, upon allowance of claim 1, withdrawn claims 6-9 and 13-16 should be rejoined and examined; upon allowance of claim 27, claims 32-34 should be rejoined and examined; and upon allowance of claim 35, claims 42-44 should be rejoined and examined. (See MPEP § 809.)

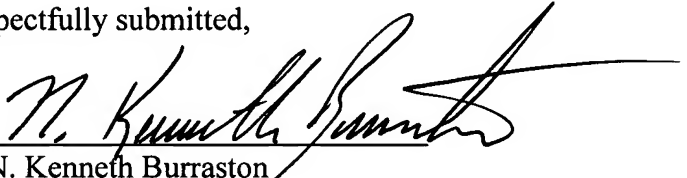
**Conclusion:**

In view of the foregoing, Applicants submit that the all pending claims are allowable, including withdrawn claims 6-9, 13-16, 32-34, and 42-44, which should now be rejoined. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 323-5934.

Respectfully submitted,

Date: September 8, 2004

By

  
N. Kenneth Burraston  
Reg. No. 39,923

Kirton & McConkie  
1800 Eagle Gate Tower  
60 East South Temple  
P.O. Box 45120  
Salt Lake City, Utah 84111-1004  
Telephone: (801) 323-5934  
Fax: (801) 321-4893